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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JUAN C. RODRIGUEZ,

12 Plaintiff,

13 vs.

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15 COMMISSIONER OF SOCIAL SECURITY,

16 Defendant.  
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CASE NO. 07CV2147 DMS (NLS)

**ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS  
AND DENYING APPOINTMENT  
OF COUNSEL**

**[Docs. 2 & 3]**

18 Plaintiff brings this motion to proceed *in forma pauperis*. The Court may authorize the  
19 commencement of any suit without prepayment of fees “by a person who submits an affidavit that  
20 includes a statement of all assets such [person] possesses that the person is unable to pay such fees or  
21 give security therefor.” 28 U.S.C. 1915(a)(1).

22 Plaintiff was last employed in 1998. In 2007, he received disability or workers’ compensation  
23 in the amount of \$738 per month, and anticipates receiving \$765 per month in 2008. He currently has  
24 \$15.00 in a checking account, and no savings. He does not own a car or other real property. He attests  
25 his wife is dependent upon him for support in the amount of \$600.00 per month. On these facts, the  
26 Court finds Plaintiff is unable to pay filing fees, and GRANTS permission to proceed *in forma*  
27 *pauperis*.

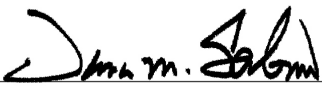
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1 Plaintiff also requests appointment of counsel, which the Court has discretion to grant “upon  
2 application by the complainant and in such circumstances as the court may deem just.” 42 U.S.C. §  
3 2000e-5(f)(1). “Three factors have emerged as relevant to the exercise of the district court’s discretion  
4 under this broad statutory mandate. The court is required to assess: (1) the plaintiff’s financial  
5 resources, (2) the efforts made by plaintiff to secure counsel, and (3) whether the plaintiff’s claim has  
6 merit.” *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981). Here,  
7 Plaintiff has not attached a copy of a Notice-of-Right-to-Sue-Letter as required by the application.  
8 Moreover, he indicates that he received a response from the Equal Opportunity Commission finding  
9 “no reasonable cause” to believe the allegations made in the charge were true. Accordingly, he has  
10 failed to make the requisite showing that his claim is meritorious.

11 Moreover, although Plaintiff has made some attempt to secure counsel, he has contacted only  
12 one local legal clinic and one private attorney. Both simply indicated they do not handle his kind of  
13 case. Petitioner has not indicated any inability to obtain representation from an attorney who does  
14 specialize in claims such as his. For these reasons, the motion to appoint counsel is DENIED.

15 **IT IS SO ORDERED.**

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17 DATED: February 28, 2008

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20 HON. DANA M. SABRAW  
21 United States District Judge  
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